THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1865 OF 2006

DATED:1.2.2006

Between:

S. Satyanarayana Sharma

…Petitioner

And

The Commissioner for Land Administration,

Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1865 OF 2006

ORDER:

The two petitioners are aggrieved by memo/proceedings of first respondent dt.28.9.2005 whereby and whereunder the petitioners were informed that their revision petition filed on 19.8.2005 cannot be admitted as it is time barred.

It is the case of the petitioners that father of the petitioners filed an application for ryotwari patta under Section 11-A of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, the Act) and the Joint Collector rejected the same by proceedings dt.9.7.1998. The petitioners were also unsuccessful in their revision petition before the Director of Settlements under Section 5 of the Act. Thereafter, they again filed a revision petition before first

respondent under Section 7(d) of the Act, which has now been rejected by the impugned order.

The Commissioner, as successor of erstwhile Board of Revenue, shall have power *inter alia* to cancel or revise any orders or proceedings of the Director of Settlements or the Settlement Officer, including the orders passed in exercise of revisional powers. There is no such power vested in the Commissioner to admit or not to admit the cases. Whenever a revision is presented, the Commissioner is required to hear the person presenting the revision petition on all points that are raised, including the point of limitation and pass a reasoned order. When a case is admitted, it only means that the legal forum is accepting on *prima facie* considerations the case of the aggrieved person and that there is necessity for further hearing. The system of admitting the matters has been evolved by the Court of judicial review. Whenever a grievance is found to be genuine on prima facie considerations, *rule nisi* is ordered by the Court of judicial review commanding the public authorities to produce the records connected with the decision. After receiving the records, the Court further examines the matter and orders either making *rule nisi* absolute or discharging the *rule nisi*. At the stage of issuing *rule nisi*, ordinarily the Courts of judicial review adopt the method of admitting the cases. Such powers do not inhere in the first respondent. This legal position cannot be disputed, nor it is disputed or denied by the learned Assistant Government Pleader.

In view of the above, this Writ Petition, at the admission stage itself, is disposed of setting aside the impugned order dt.28.9.2005. The first respondent is directed to issue notice to the petitioners' counsel, hear the matter, and pass orders on merits within a period of eight weeks from the date of receipt of a copy of this order.

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(V.V.S.RAO, J)

1.2.2006

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Note: Issue CC in one week.

(B.O)

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